

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the amendments made above and the comments set forth below. Claims 1-12 are pending in the application and claims 13-32 are withdrawn from consideration. Within the Office Action, the

5 Claims 1-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Miyagi et al (US 5,433,784). Claims 1-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by LeBlanc III et al (US 5,709,785). Claims 11-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagi et al (US 5,433,784) in view of Masayasu Suzuki (JP 4103768) and Tanabe et al (US 5,304,422). Claims 11-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc III et al (US 5,709,785) in view of Masayasu Suzuki (JP 4103768) and Tanabe et al (US 5,304,422)

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Claim 1 is amended. Claims 33-40 are new. Accordingly, claims 1-12 and 33-40 are pending.

15 Rejections under 35 U.S.C. § 102

Claims 1-10

Within the Office Action, Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,433,784 to Miyagi et al (hereinafter “Miyagi”). Claim 1 is amended to recite a chamber configured for sustaining supercritical fluids. Miyagi does not teach motivate or suggest a chamber configured to sustain supercritical fluids. Therefore, since claim 1 has a structural limitation not found in Miyagi, claim 1 is not anticipated by Miyagi.

25 The Applicants respectfully submits that amended independent claim 1, as described above, is not anticipated by Miyagi and thus in a condition of allowance. Because claims 2-10 depend from independent claim 1, these claims are not anticipated by Miyagi.

30 Within the Office Action, Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,709,785 to LeBlanc III et al et al (hereinafter “LeBlanc”). LeBlanc discloses a deforming means (38a, 38b, and 37c) located in the path of the chamber contact motivating force. For the same reasons argued above, the amended claim 1 is not anticipated by LeBlanc.

Because claims 2-10 depend from independent claim 1, these claims are not anticipated by LeBlanc.

Rejections under 35 U.S.C. § 103

5 *Claims 11-12*

Within the Office Action, Claims 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of JP Patent No. 04103768 to Masayasu Suzuki (hereinafter "Suzuki") and US Patent No. 5,304,422 to Tanabe (hereinafter "Tanabe").

10 Claim 11 and 12 depend from amended claim 1 through claims 10, 9, 7, and 6. Since, as described above, amended claim 1 is now allowable because it recites a structure limitation not taught, suggested, or motivated by Miyagi or LeBlanc. Claims 11 and 12 are allowable given that they depend from an allowable base claim. Accordingly, this rejection is now moot.

15 Within the Office Action, Claims 11-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LeBlanc in view of Suzuki and Tanabe.

20 Claim 11 and 12 depend from amended claim 1 through claims 10, 9, 7, and 6. Since, as described above, amended claim 1 is now allowable because it recites structure not taught in LeBlanc. Claims 11 and 12 are allowable given that they depend from an allowable base claim. Accordingly, this rejection is now moot.

New Claims

New Claim 33

25 New claim 33 is similar to original claim 1 with the additional limitation on the deforming means; "... wherein at least one deforming means is positioned to deform in a direction substantially orthogonal to a chamber contact motivating force." The structure taught in claim 33 is not taught, motivated, or suggested by Miyagi. Thus, claim 33 is not anticipated by Miyagi or LeBlanc and is in a condition of allowance.

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New Claims 34-36

Claims 34-36 are in a dependant claims from allowable claim 33. Thus, claims 34-36 are in a condition of allowance.

New Claim 37

5 New claim 37 is similar to original claim 1 with the additional limitation on the deforming means; "... wherein the deforming means comprises of polyether ether keton (PEEK™)" The structure limitation taught in claim 37 is not taught, motivated or suggested by Miyagi or LeBlanc. Thus, claim 37 is not anticipated by Miyagi or LeBlanc and is in a condition of allowance.

New Claims 38-40

10 Claims 38-40 are in a dependant claims from allowable claim 37. Thus, claims 38-40 are in a condition of allowance.

Request for Consideration

15 The Examiner has acknowledged all the information disclosure statements filed except for the physical IDS (JP 4-284648) filed on October 20, 2005, the electronic IDS (beginning with U.S. 2,873,597) filed November 7, 2005, and the electronic IDS (beginning with U.S. 6596063) filed on December 14, 2005. Please take into consideration these IDSs for the above mentioned application.

20 The Applicants respectfully submits that Claims 1-12 and 33-40 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

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Respectfully submitted,

Dated: 1-19-06

By:



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CERTIFICATE OF MAILING (37 CFR§ 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

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HAVERSTOCK & OWENS LLP.

Date: 1-19-06 By: Ter